IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25403 of 2008

HABIB KHAN & ORS
Versus
THE STATE OF BIHAR

For the Petitioners:- Mr. Shakil A. Khan, Sr. Advocate
Mr. Sajid Salim Khan, Advocate

For the State:- Mrs. Indu Bala Pandey, A.P.P.

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02 24.09.2008 Heard learned counsel for the petitioners and the State.

Petitioners are accused in a case under Sections 147, 148, 149, 452, 380, 323, 302, 120B of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioners along with other accused persons have been made accused for coming with Farid Khan for assault upon the other side. Co-accused Farid Khan alleged to have fired at the deceased. It is stated that the Investigating Officer submitted final form exonerating the petitioners. However, learned Magistrate has taken cognizance against the accused persons including the petitioners. Learned counsel files a certified copy of the order dated 7.7.2008 passed in Cr. Misc. No. 25186 of 2008, which is kept on the record, and submits that some of the co-accused persons have been granted anticipatory bail by a Bench of this Court. It is stated that the petitioners are also on similar footing.

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It is further stated that there has been case and counter case and the F.I.R. of the counter case has been brought on record vide Annexure-2. In that case there has been assault on a lady.

Having regard to the submissions made on behalf of the

parties and in the facts and circumstances of the case, petitioners namely Habib Khan, Mahboob Khan, Khalil Khan, Zulfekar Khan and Chhotan Khan, in the event of arrest or surrender in the court below within four weeks from the date of receipt of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Jehanabad in connection with Kaler P.S. Case No. 20 of 2007 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

P.K. **(Dr. Ravi Ranjan,J.)**

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